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Attorneys for Plaintiff ALVIN GOMEZ,
on behalf of himself and others similarly situated

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALVIN GOMEZ, on behalf of himself and
others similarly situated,

Plaintiff,

vs.

FREEDOM FOREVER LLC; and DOES 1
to 100, inclusive,

Defendants.

Case No.: 2:22-cv-02115-GW(KSx)

CLASS ACTION

*[Assigned for all purposes to the Hon.
George H. Wu, Courtroom 9D]*

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO
REMAND THE ACTION TO STATE
COURT AND REQUEST FOR
ATTORNEYS' FEES IN THE
AMOUNT OF \$10,500.00**

*[Filed concurrently with Memorandum of
Points and Authorities in Support
Thereof; Huether Declaration in Support
Thereof; and [Proposed] Order]*

Hearing Information:

Date: June 6, 2022

Time: 8:30 a.m.

Courtroom: 9D

Action Removed: March 30, 2022

**TO THE HONORABLE COURT, THE CLERK OF THE ABOVE-
ENTITLED COURT, DEFENDANT, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT on June 6, 2022 at 8:30 a.m., or as soon thereafter as the matter may be heard in front of Honorable George H. Wu, United States District Judge, at the First Street U.S. Courthouse, 350 West 1st Street, Los Angeles, CA 90012, Courtroom 9D, 9th Floor, Plaintiff ALVIN GOMEZ (“Plaintiff”) will, and hereby does, move this Court to remand this action back to the Superior Court of the State of California for the County of Los Angeles.

Plaintiff’s motion is made on the ground that Defendant FREEDOM FOREVER LLC (“Defendant”) has failed to properly remove this matter on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332(d)(4)(A).

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. §1447(c), Plaintiff will and hereby does move the Court for an order requiring Defendant to pay Plaintiff his just costs and any actual expenses, including attorneys’ fees, in the amount of \$10,500.00 incurred as the result of Defendant’s improper removal.

This Motion is made upon this Notice of Motion and Motion; the Memorandum of Points and Authorities in Support Thereof; the Declaration of Melissa A. Huether in Support Thereof; and all the papers on file in this action; and any such other and further evidence that may be offered at the time of hearing on this matter.

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1 On April 1, 2022, prior to filing this Motion, pursuant to Local Rule 7-3,
2 Plaintiff's counsel Joseph Lavi, partner of Lavi & Ebrahimian, LLP, met and
3 conferred via email correspondence with counsel for Defendant, Jordan C. Lee of
4 Armstrong Teasdale LLP, in good faith regarding the issue of removal. On April 8,
5 2022, Counsel for Defendant responded to inform Plaintiff's Counsel that if Plaintiff
6 filed a Motion to Remand, Defendant intended to oppose accordingly, making this
7 motion necessary. (See Declaration of Melissa A. Huether in Support of Motion to
8 Remand, at ¶ 2.)
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12 Dated: April 29, 2022

Respectfully submitted,
LAVI & EBRAHIMIAN, LLP

14 By: /s/ Melissa A. Huether
15 Joseph Lavi, Esq.
16 Vincent C. Granberry, Esq.
17 Melissa A. Huether, Esq.
18 Attorneys for Plaintiff
ALVIN GOMEZ, on behalf of himself
19 and others similarly situated
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